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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,650	04/02/2004	Sandra A. Strickland	52082/FLC/S1137	1055
23363	7590	03/21/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			NGUYEN, TRINH T	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	

3644

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,650

Applicant(s)

STRICKLAND ET AL.

Examiner

Trinh T Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3: the phrase a hook portion of a scoop" is confusing and unclear since there is no definition as to what "a scoop" defines and/or intends to be encompassed.

In claim 4: the phrase "of claim 4" is confusing and unclear.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8-10, 12, 13, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by US2003/0217700 (hereinafter is referred to as US'700).

For claim 1, US'700 discloses an enclosed litter box, comprising: a chassis (26); a removable litter tray (Figure 3) slidably coupled to the chassis; a manual rake (30) located within the removable litter tray; and an enclosure (28) mounted to the chassis enclosing the removable litter tray and rake.

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For claim 2, US'700 discloses the removable litter tray further comprising an integral handle (154) having a downwardly facing opening.

For claim 3, US'700 discloses the enclosure further including a notched recess (62, 66, 70) for engaging a hook portion of a scoop to form a gravity lock.

For claim 4, US'700 discloses the scoop further includes a notched blade (44) for engagement with a tined portion of the manual rake.

For claim 5, US'700 discloses the removable litter tray further comprising: a transverse groove (120) on an upper rim of a front portion of the removable litter tray; and an opening (see Figure 6 attached at the end of this Office Action) between a bottom surface of the groove and an interior portion of the integral handle (154) whereby a user may dislodge a handle portion of the manual rake held in the transverse groove.

For claim 8, US'700 discloses an enclosed litter box, comprising: a chassis means (26) for supporting the enclosed litter box; a slidably removable litter tray means (Figure 3) within the chassis means for holding litter; a manual rake means (30) located within the removable litter tray means for separating animal waste from the litter; and an enclosure means (28) coupled to the chassis means for enclosing the removable litter tray means and the rake means.

For claim 9, US'700 discloses the removable litter tray means further comprising a integral handle means (154) having a downwardly facing opening for use in pulling the removable litter tray means from the chassis means.

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For claim 10, US'700 discloses the removable litter tray means further comprising: holding means (62, 66, 70) for holding the manual rake means in a detachable manner; and dislodging means (50, 52) for a user to manually dislodge the manual rake from the holding means without exposing the user to an interior portion of means.

For claim 12, US'700 discloses a gravity lock means (62,66,70,54,32) for removably attaching a scoop means (48,46,52,44,42,50) to the enclosure means.

For claim 13, US'700 discloses wherein the scoop means further comprises a notched blade (Figure 4 attached at the end of this Office Action) for engagement with a tined portion of the manual rake means.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 7, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US2003/0217700 (hereinafter is referred to as US'700) in view of Springer (US 4,858,561) and Official Notice.

As described above, US'700 discloses most of the claimed invention except for indicating an adhesive label having decorative motif on an outer surface of the enclosure.

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Springer teaches a similar enclosed litter box as that of US'700 in which Springer's box having an outer cover (12) covering the outer side of the box wherein the cover is attractive in appearance (equivalent to a decorative motif as claimed). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the box of US'700 so as to include an outer cover, in a similar manner as taught in Springer, since to do so would provide an additional protective means and thus protect the box from damaging.

Furthermore, it is noted that Springer's outer cover is being attached/adhered to the outer surface of the enclosure by fastener closures (24,26,28,30) but not adhesive. However, an Official Notice is taken that using adhesive to attach/adhere one structural member to another structural member is a well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used adhesive to attach/adhere the outer cover to the outer surface of the enclosure, in light of the Official Notice taken, in order to provide an efficient bond between members and since it is well known in the art to substitute one type of attachment means for another depending on manufacturing requirements and cost constraints.


Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as cited on PTO-form 892.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

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The examiner's supervisor, Teri Luu can be reached on (703) 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trinh T Nguyen
Patent Ex.
Art Unit 3644
3/11/05

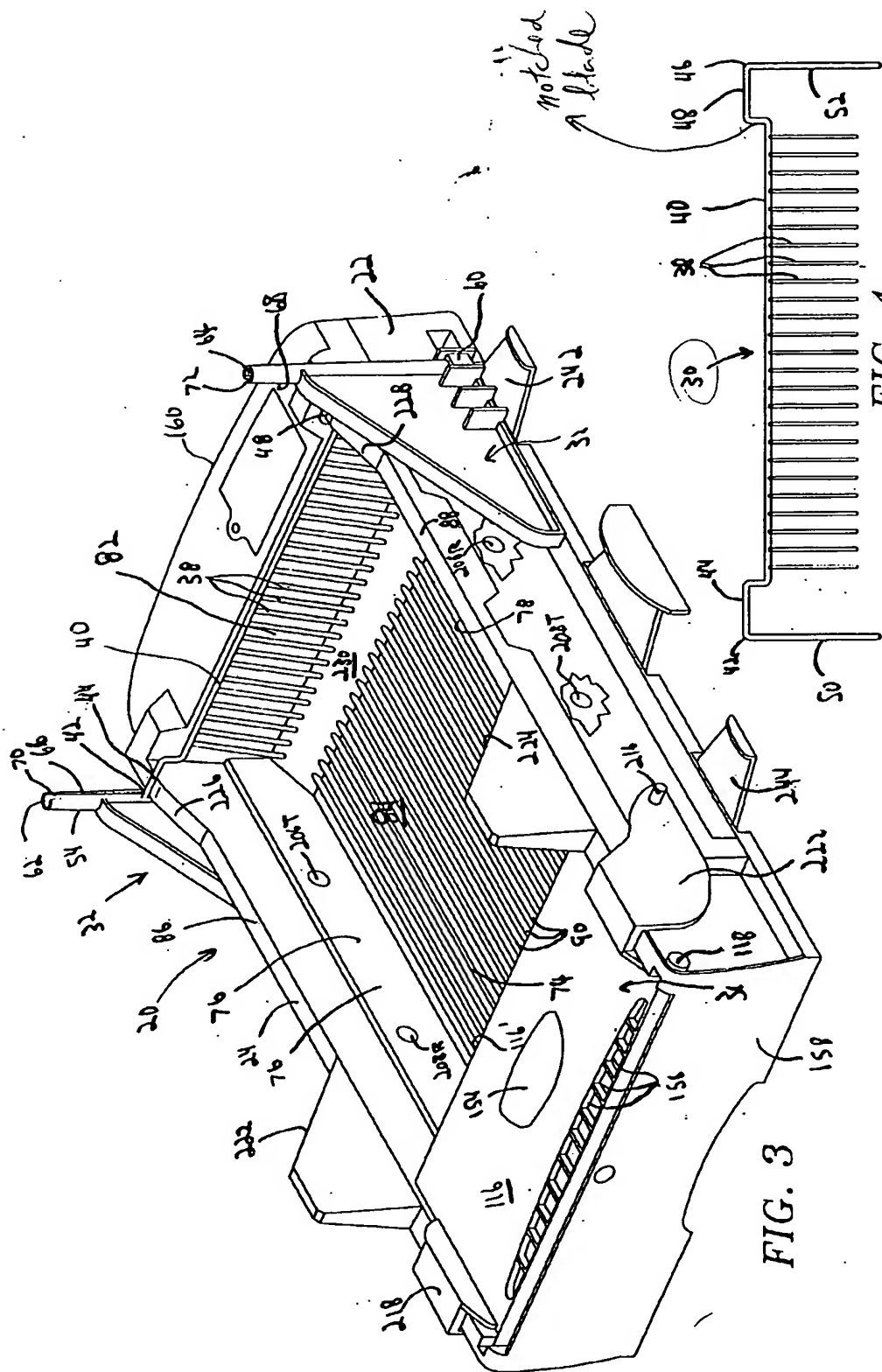


FIG. 3

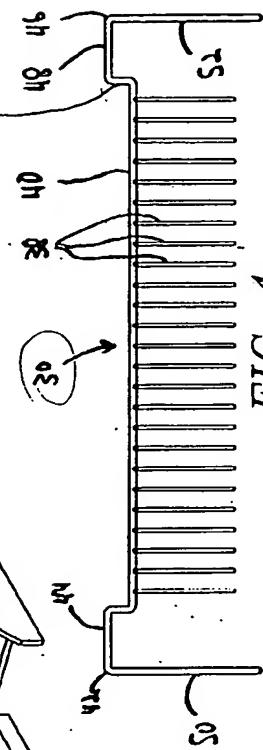


FIG. 4

notched blade

